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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Amendment to the Commission's Rules)

To Permit Flexible Service Offerings)

in the Commercial Mobile Radio Services)

WT Docket No. 96-6

DOCKET FILE COPY ORIGINAL

TO: The Commission

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

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Dated: March 1, 1996

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COMMENTS OF NEXTEL COMMUNICATIONS, INC.

I. INTRODUCTION

Pursuant to Section 1.415 of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits Comments in response to the Commission's Notice Of Proposed Rule Making ("NPRM") in the above-captioned docket.^{1/}

The Commission initiated this proceeding "to address the uncertainty in [its] existing rules on the extent to which fixed services may be provided by broadband Personal Communications Services ("PCS"), Cellular Radiotelephone Service ("cellular"), and Specialized Mobile Radio ("SMR") providers."^{2/} As an SMR service provider, reclassified by the Omnibus Budget Reconciliation Act of 1993 ("Budget Act") as a Commercial Mobile Radio Service ("CMRS") provider,^{3/} Nextel supports the Commission's proposal to permit

^{1/} Notice of Proposed Rule Making, FCC 96-17, released January 25, 1996.

^{2/} NPRM at para. 1.

^{3/} Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI Section 6002(b), 107 Stat. 312 (1993).

SMR licensees to offer wireless fixed services on their existing spectrum allocations.

II. DISCUSSION

The Commission's rules should permit all CMRS providers to provide fixed wireless local loop services. Defining "wireless local loop" as the "path between the subscriber and the first point of switching or aggregation of traffic" is sufficiently broad to encompass a variety of possible services,^{4/} including wireless local loop applications similar to wireline telephone local exchange service, point-of-purchase credit card verification, Internet access and others.^{5/} This would provide operators increased operational flexibility, expand the realm of their potential service offerings to consumers, and promote competition. Moreover, it would be unnecessary for the Commission to individually examine the "mobile" or "fixed" nature of each new service as technology advances and customer needs evolve.

In the competitive wireless marketplace, permitting all CMRS licensees to provide both fixed and mobile wireless services will allow the marketplace to determine the most economical and

^{4/} NPRM at para. 6.

^{5/} Id. at para. 22. The NPRM queries whether CMRS providers should be allowed to provide other potential wireless fixed services, such as those listed above, as well as wireless local loop. Nextel submits that attempting to draw such distinctions would, as the Commission suggests, unduly restrict the ability of carriers to develop wireless networks that meet various consumer needs. If CMRS providers are authorized to offer local loop type applications, restrictions on other predominately fixed wireless applications that meet consumer requirements cannot be justified.

efficient spectrum use. Wireless providers should have the ability to offer consumers any technically feasible fixed service, and the Commission should treat those services -- like any mobile service offered by that provider -- as a CMRS service, subject to the Commission's regulatory authority.

Moreover, the regulatory parity mandate of the Budget Act requires that all CMRS providers be permitted the opportunity to offer fixed wireless services, not just selected CMRS providers.^{6/} The Budget Act requires that the Commission establish CMRS rules that ensure a level playing field for all CMRS providers, including an equal opportunity to offer customers a menu of both fixed and mobile wireless services. Although not every CMRS provider may desire to do so, or may find fixed applications incompatible with its mobile communications business, there is no public interest rationale for disparate regulatory authorizations for fixed services among CMRS providers. The decision to offer wireless local loop services should be a business and/or technical matter, not a regulatory issue.

With regard to fixed services provided by SMR licensees, the Commission should apply all of the existing Part 90 technical standards to fixed SMR services as well as mobile SMR services. The Part 90 SMR co-channel protection and interference standards must be applied to fixed services along with mobile services to prevent harmful interference among co-channel operators.

^{6/} Budget Act, Section 6002(d)(3)(B).

Finally, with regard to universal service obligations, Nextel submits that wireless carriers should be entitled to the benefits of the universal service fund, to the extent the Commission concludes that their services -- whether fixed or mobile -- are subject to universal service obligations. To the extent that such services become a local exchange option, application of universal service obligations may be appropriate. Nextel agrees, however, with the Commission's tentative conclusion that this matter be considered in the context of its overall universal service proceedings.

III. CONCLUSION


Nextel supports the Commission's conclusion that a wireless carrier's ability to add to its "menu" of services -- whether additional fixed or mobile services -- adds to the value of the services offered to consumers. Fixed service options add to the flexibility of the CMRS carrier's operations, promote competition among the competing CMRS providers, and thereby benefit the public with new, improved, and more economical telecommunications services.

Accordingly, the Commission should clarify that its rules permit all CMRS licensees to offer wireless local loop services, as

defined in the NPRM, and that such services be regulated by the Commission under its current regulatory framework.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Robert S. Foosaner", written over a horizontal line.

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Dated: March 1, 1996

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 1st day of March 1996, I caused a copy of the attached Comments of Nextel Communications, Inc. to be served by hand delivery to the following:

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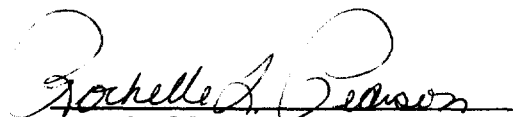
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